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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,936	07/21/2003	Christopher Aldrich Brown		6367

7590 02/01/2005

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EXAMINER

SWENSON, BRIAN L

ART UNIT PAPER NUMBER

3618

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,936

Applicant(s)

BROWN ET AL.

Examiner

Brian Swenson

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

"Non-Separating Ski/Blade/Board Safely Binding for Limiting Torque on the Lower Leg and Having Multi-positional Capabilities comprising:" is not clear the examiner suggest:

--A binding for a gliding device for limiting torque on a lower leg of the user, the binding having multiple position positions comprising:--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,918,732 issued to Wulf.

Solomon teaches in Figures 1-32 and respective portions of the specification of a safety binding including: a 360 degree cam surface (18) allowing full rotation of the ski, board or blade relative to the boot; at least one cam (98,100) follower with an adjustable spring (110) and tensioner (113) to regulate torque required for movement to facilitate stable skiing, ski blading or snowboard riding and to avoid injury (Figure 1); the cam is shaped to provide stable positions (74-77) where desired for normal skiing, ski blading

or snowboard riding; the cam is shaped so that after rotation, as desired to filter unwanted loads from the leg, for example, it can return to boot to a stable position for normal maneuvers; see Figures 11+ where contours g,h,i,j, are provided to center the cam follower; the cam is shaped to provide torque-rotation properties to provide for control of the ski, board or blade; and the cam is shaped to allow rotation below the selected limits to avoid transmitting unwanted loads to the leg.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 4,196,920 issued to Salomon in view of U.S. Patent No. 6,773, 024 issued to Walkhoff.

Solomon teaches in Figures 1-32 and respective portions of the specification of a safety binding including:

a 360 degree cam surface (elements 17-20 formed on block 16) allowing full rotation of the ski, board or blade relative to the boot; at least one cam follower (9,10) with an adjustable spring (11,12), the cam is shaped to provide stable positions (follower is placed within indents 7 and 8 of cam surface) where desired for normal skiing, ski blading or snowboard riding; the cam is shaped (ramps 17-20; see at least Col. 6, lines 6-21) so that after rotation, as desired to filter unwanted loads from the leg,

for example, it can return to boot to a stable position for normal maneuvers; the cam is shaped to provide torque-rotation properties to provide for control of the ski, board or blade; and the cam is shaped to allow rotation below the selected limits to avoid transmitting unwanted loads to the leg; the ramps (17-20) are shaped to center cam follower within indents 7 and 8 during normal skiing, the followers can be removed from the indents by an amount of torque to overcome the spring force applied to the cam followers.

Solomon discloses the claimed invention except for a tensioner to regulate torque applied to the cam follower.

Walkhoff teaches in Figures 1-18 and respective portions of the specification teaches of a safety binding including teaching of a tensioner (38) for adjusting the compression of spring (37), see at least Col. 4, lines 47+. It would have been obvious to one having ordinary skill in the art to include a tensioner as taught by Walkhoff in the invention taught by Solomon. One would be motivated to provide a tensioner to provide the advantage of varying the degree to force applied to the cam followers by the spring.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,185,851 issued to Salomon teaches of a binding with a camming surface and cam follower.

U.S. Patent No. 3,869,136 issued to Jackson teaches of an internal binding.

U.S. Patent No. 4,361,344 issued to Hull et al. teaches of a ski binding with a circular engagement.

U.S. Patent No. 2,955,300 issued to Hedlund et al. teaches of a binding that allows the user to pivot 180 degrees.

U.S. Patent No. 3,810,643 issued to Druss and U.S. Patent No. 3,727,932 issued to Druss et al. teach of a binding mechanism including a spring loaded retention member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Swenson

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bls

Examiner

Art Unit 3618

*CP Ellis*

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